

REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 4 through 15, 29, 32 through 44, 58, and 60 are pending, with Claims 29 and 60 being independent. Claims 4, 6, 10 through 13, 29, 32 through 35, 38, 39, and 60 have been amended.

Claims 5, 6, 33, and 34 again were objected to and indicated as being allowable if rewritten in independent form. Applicants have retained such claims in dependent form, as it is earnestly believed by Applicants that the claims from which they depend will be found to be allowable.

Claims 29 and 60 were objected to because of informalities, and Claims 4, 29, and 60 were rejected under 35 U.S.C. § 112, 2nd paragraph, as being indefinite. All objections and rejections are respectfully traversed, and are submitted to have been obviated by the amendment of the claims in a manner earnestly believed to avoid the grounds of objection.

Claims 4, 7, 8, 10, 15, 29, 32, 35, 36, 38, 42 through 44, 58, and 60 were rejected under 35 U.S.C. § 103 over US 6,618,549 B1 (Kato, et al.) in view of newly-cited US 6,278,718 B1 (Eschholz). Claims 9, 11, 37, and 39 were rejected under 35 U.S.C. § 103 over Kato, et al. in view of Eschholz and US 6,115,057 (Kwoh et al.). Claims 12 through 14, 40, and 41 were rejected under 35 U.S.C. § 103 over Kato, et al. in view of Eschholz and Applicant's Allegedly Admitted Prior Art. All rejections are respectfully traversed.

Claims 29 and 60 recite, *inter alia*, reducing the size of the second packet preceding the synchronization second packet such that the *start of the payload information* of the synchronization second packet corresponds to the start of a first packet associated with the second access level (the second packet including one or more first packet or parts of a first packet as claimed).

However, Applicants respectfully submit that none of Kato, et al., Eschholz, Kwoh, et al., and Applicants' Allegedly Admitted Prior Art, even in the proposed combinations,

assuming, *arguendo*, that such could be combined, discloses or suggests at least the above-discussed claimed features as recited, *inter alia*, in Claims 29 and 60.

The Official Action acknowledges at p. 6 thereof that Kato, et al. is deficient in this regard and therefore relies upon Escholz's Abstract and col. 4, lines 1-20. Applicants respectfully traverse such reliance. Applicants respectfully submit that the relied-upon text merely discloses, e.g., that at the beginning of a cycle, a frame is released. Meanwhile, Applicants submit that Escholz's col. 8, lines 41-55, and Fig. 5 shows a frame containing a frame synchronization field, a payload field, and a dead zone field, while col. 4, lines 47 et seq. disclose, e.g., transmitting the frame synchronization and payload fields onto which the subsystem appends a new dead zone to create a frame packet; in sum, Applicants submit that such says nothing about the above-discussed claimed features which require, *inter alia*, that the *start of the payload information* of the synchronization second packet corresponds to the start of a first packet associated with the second access level as claimed.

Applicants further respectfully submits that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to arrive at such features.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

REQUEST FOR ENTRY OF AMENDMENT

This Amendment After Final Rejection is an earnest attempt to advance prosecution and reduce the number of issues, and is believed to clearly place this application in condition for allowance. Furthermore, Applicants respectfully submit that a full appreciation of these amendments will not require undue time or effort given the

Examiner's familiarity with this application. Moreover, this Amendment was not earlier presented because Applicants earnestly believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of this Amendment under 37 C.F.R. § 1.116 is respectfully requested.

CONCLUSION

Applicants submit that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Daniel S. Glueck/
Daniel S. Glueck
Attorney for Applicants
Registration No. 37,838

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, New York 10104-3800
Facsimile: (212) 218-2200
DSG@jlr

FCIS_WS 3804441v1